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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,628	12/07/2000	David Bruce Kumhyr	AUS9-2000-0591-US1	1078

7590 07/29/2003

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100 Congress Avenue, Suite 800  
Austin, TX 78701

EXAMINER
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CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/731,628	KUMHYR, DAVID BRUCE
	Examiner Mary Cheung	Art Unit 3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 May 2003.
  - 2a) This action is FINAL.      2b) This action is non-final.
  - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 1-36 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
  - 5) Claim(s) \_\_\_\_\_ is/are allowed.
  - 6) Claim(s) 1-36 is/are rejected.
  - 7) Claim(s) \_\_\_\_\_ is/are objected to.
  - 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on 16 May 2003 is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

**DETAILED ACTION**

***Status of the Claims***

1. Claims 1-36 are pending. Claims 1, 13 and 25 have been amended.

***Response to Arguments***

2. Applicant's arguments filed on May 16, 2003 have been fully considered but they are not persuasive.

In response to applicant's arguments that Koeppel (U. S. Patent 6,477,575) fails to teach a user selectable information selected by the user, Koeppel teaches a user browses web page including link selections (column 7 lines 31-34), and that is corresponding to a user selectable information selected by the user.

In response to applicant's arguments that Koeppel fails to teach the information will be exposed in an electronic transaction, browsing a web page and selecting a link will result to electronic transactions.

In response to applicant's arguments that Koeppel fails to teach a persona facet, information are browsed during the web browsing or the information are selected to be linked in Koeppel's teachings correspond a persona facet.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In these cases, selecting a particular method and storing information in a cookie are technologies that commonly engaged in online transactions and they are also the knowledge that are generally available to one of ordinary skill in the art.

Regarding all other arguments, examiner believes that the cited prior art indeed teach all the limitations; thus the rejections are maintained.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 13-19 and 25-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Koeppel et al., U. S. Patent 6,477,575.

As to claim 1, Koeppel teaches a method for controlling information gathered by collection agencies in an electronic transaction comprising the steps of (abstract):

- a) Selecting a persona facet by a user, wherein said persona facet selected comprises a user selectable information selected by the user to be exposed in said electronic transaction (column 11 lines 21-52);
- b) Connecting to a web site by a web browser (column 11 lines 51-52);

- c) Sending said selected persona facet to said web site by said web browser during said electronic transaction (column 11 line 21 – column 12 line 30 and Figs. 2-3, 5-6);
- d) Receiving information about said user stored in a database from said web site if said web site recognize said persona facet is taught by Koeppel as analyzing the information received from the user and receiving information about said user stored in a database from said web site (column 11 line 21 – column 12 line 30 and Figs. 2-3, 5-6);
- e) Updating said information about said user stored in said database (column 11 line 21 – column 12 line 60 and Figs. 2-3, 5-6).

As to claim 2, Koeppel teaches comparing said user selectable information in said persona facet with said received information from said web site (column 11 line 21 – column 12 line 60 and Figs. 2-3, 5-6).

As to claim 3, Koeppel teaches said comparing step comprises parsing said information received from said web site (column 11 line 21 – column 12 line 60 and Figs. 2-3, 5-6).

As to claim 4, said web site determines if said web site recognizes said persona facet by searching a database for said persona facet is taught by Koeppel as analyzing said persona facet by using the information stored in the database and the defined rules (column 12 lines 15-60 and Figs. 5-6).

As to claim 5, Koeppel teaches if there are differences between said information received from said web site and said user selectable information in said persona facet

from said comparison then said information about said user stored in said database is updated (column 12 lines 31-60 and column 13 lines 22-28).

As to claim 6, Koeppel teaches completing said electronic transaction (column 13 lines 22-28).

As to claim 7, Koeppel teaches said user selectable information comprises customer resource data (column 11 lines 36-52 and Figs. 4A-4J).

Claims 13-19 and 25-31 are rejected for the similar reasons as claims 1-7.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 8-9, 20-21 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koeppel et al., U. S. Patent 6,477,575 in view of Franklin et al., U. S. Patent 6,125,352.

As to claim 8-9, Koeppel teaches user selectable information as discussed above. Koeppel does not specifically teach said user selectable information comprises a particular payment method. Franklin teaches user selectable information comprises a particular payment method (column 17 lines 62-67 and column 24 line 61 – column 25 line 11 and Fig. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the selectable information of Koeppel to comprising a particular payment method because it would expands usages of the

electronic transaction method of Koeppel, in particular for applying it for payment transaction.

Claims 20-21 and 32-33 are rejected for the similar reasons as claims 8-9.

7. Claims 10-12, 22-24 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koeppel et al., U. S. Patent 6,477,575 in view of Jaye, U. S. Patent 6,415,322.

As to claims 10-12, Koeppel further teaches using user's information including cookie data is collected (column 3 lines 47-51). Koeppel does not specifically teach determining whether the selected persona facet is recognized by said web site, wherein if said web site does not recognize said selected persona facet then said user selectable information is stored in cookie data, and wherein if said web site recognizes said selectable person facet then said user requests from said web site to send said information about said user stored in said database, and if said web site does not send said information about said user stored in said database then storing said user selectable information in cookie data. However, these matters are taught by Jaye as if the client is recognized (or the client has a cookie), establish the client's profile; otherwise, create a cookie for the unrecognized client (column 6 line 12 – column 7 line 45 and Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the method of Koeppel to include the feature of establish newly discovered information in a cookie so that the information can be better traced.

Claims 22-24 and 34-36 are rejected for the similar reasons as claims 10-12.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Inquire*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 305-7687 (Official Communications; including After Final Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7<sup>th</sup> Floor Receptionist.

Mary Cheung  
Patent Examiner  
Art Unit 3621  
July 25, 2003

JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
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